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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

v.

SEAN TIMOTHY O'NEILL,

Defendant.

**MEMORANDUM DECISION AND  
ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL**

Case No. 4:18-cr-00014-DN

District Judge David Nuffer

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Defendant's Motion for Appointment of Counsel ("Motion") requests the Court appoint counsel for Defendant's Motion for Compassionate Release under 18 U.S.C. § 3582.<sup>1</sup>

Defendant's filings explain that his mother is disabled, and his sister is no longer able to care for his mother for unspecified reasons.<sup>2</sup> The government and the United States Probation Office did not file a Response.

Defendants do not have a right to counsel for motions brought under 18 U.S.C. § 3582, but appointment of counsel is discretionary.<sup>3</sup> Courts have noted: "Generally, a motion requesting compassionate release is not legally or factually complex."<sup>4</sup> Defendant's Motion for counsel explains that his motion for compassionate release will allege that he should be released from prison because his mother is elderly, disabled, and his sister can no longer care for his

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<sup>1</sup> Pro se Motion to Appoint Counsel for Compassionate Release Process, [docket no. 137](#), filed December 21, 2023.

<sup>2</sup> Supporting Documents, at 3, [docket no. 137-1](#), filed December 21, 2023.

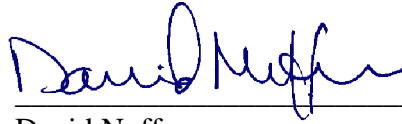
<sup>3</sup> *United States v. Manzanares*, No. 12-CR-1563-WJ, 2020 WL 6449102, at \*1 (D.N.M. Nov. 3, 2020) (citing *United States v. Olden*, 296 F. App'x 671, 674 (10th Cir. 2008)).

<sup>4</sup> *United States v. Cano*, No. 05-40116-01-JAR, 2021 WL 699996, at \*2 (D. Kan. Feb. 23, 2021).

mother. Additionally, his Motion contains an affidavit from his mother that explains her medical condition. Defendant's theory for relief under 18 U.S.C. § 3582 does not have factual or legal complexity that warrants the appointment of counsel. Defendant's Motion for the appointment of counsel is DENIED.<sup>5</sup>

Signed June 13, 2024.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States District Judge

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<sup>5</sup> Pro se Motion to Appoint Counsel for Compassionate Release Process, [docket no. 137](#), filed December 21, 2023.